

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895

CHAPTER V
VILLAGE COUNCIL.

65.1 Legislative authority vested in village council.

Sec. 1. The legislative authority of villages shall be vested in the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2748;—CL 1915, 2619;—CL 1929, 1528;—CL 1948, 65.1;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

65.2 Village council; president.

Sec. 2. The president shall be president of the council, and preside at the meetings of the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2749;—CL 1915, 2620;—CL 1929, 1529;—CL 1948, 65.2;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

65.3 Village council; president pro tempore.

Sec. 3. (1) On November 20 of each year, or as soon after that date as possible, the council shall appoint 1 of their number president pro tempore of the council.

(2) In the absence of the president, the president pro tempore presides at the council meetings, and exercises the powers and duties of president. In the absence of the president and president pro tempore, the member with the longest current period of continuous service on the council presides unless otherwise provided by council rules.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2750;—CL 1915, 2621;—CL 1929, 1530;—CL 1948, 65.3;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2012, Act 551, Eff. Mar. 28, 2013.

65.4 Village council; regular meetings; conducting business at public meeting; notice of meeting; special meetings.

Sec. 4. The council shall hold regular meetings for the transaction of business, at times as it shall prescribe, at least 1 shall be held in each month. The business which the village council may perform shall be conducted at a public meeting held in compliance with Act. No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act. No. 267 of the Public Acts of 1976. The president or 3 members of the council may appoint special meetings.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2751;—CL 1915, 2622;—CL 1929, 1531;—CL 1948, 65.4;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977.

65.5 Village council; rules and record of proceedings; quorum; adjournment; compelling attendance; vote; ordinance or resolution appropriating money; publication of proceedings and vote; availability of certain writings to public.

Sec. 5. (1) The council shall prescribe the rules of its own proceedings, and shall keep a record of those proceedings. Except as otherwise provided in this section, a majority of the members of council are a quorum for the transaction of business. A majority of the members of council serving, if meeting to fill a vacancy in the office of village president or village trustee, are a quorum for the transaction of business. A lesser number may adjourn and compel the attendance of absent members in a manner as prescribed by ordinance. In the absence of an ordinance, if the village council lacks a quorum for more than 60 consecutive calendar days, then the presiding officer of the village council may compel the attendance of board members and other officers of the village at a regular or special meeting and enforce the orderly conduct in the meeting. A member of the council or any other officer of the village who refuses to attend a meeting for a reason other than a confining illness or extenuating circumstances is guilty of gross neglect of duty. Any police officer designated by the presiding officer of the meeting shall serve as the sergeant-at-arms of the village council in the enforcement of this subsection.

(2) An office must not be created or abolished; a street, alley, or public ground vacated; real estate or an interest in real estate purchased, leased, sold, or disposed of; or a public improvement ordered, except by a majority vote of the members of council. The vote must be taken by yeas and nays, and entered in the journal. However, a tax must not be increased or a special assessment imposed except by an affirmative vote of 2/3 of the members of council.

(3) Money must not be appropriated except by ordinance or resolution of the council. An ordinance appropriating money must not be passed, or a resolution appropriating money must not be adopted, except by

a majority vote of the members of council. The vote must be taken by yeas and nays, and entered in the journal. Within 15 days after a meeting of the council, a synopsis or the entirety of the proceedings, including the vote of the members, prepared by the clerk and approved by the president showing the substance of each separate decision of the council must be published in a newspaper of general circulation in the village or posted in 3 public places in the village.

(4) A writing prepared, owned, used, in the possession of, or retained by the council or by the clerk, treasurer, or other officer of the village in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2752;—CL 1915, 2623;—Am. 1925, Act 43, Eff. Aug. 27, 1925;—CL 1929, 1532;—CL 1948, 65.5;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2020, Act 81, Imd. Eff. Apr. 2, 2020.

65.6 Repealed. 1968, Act 317, Eff. Sept. 1, 1968.

Compiler's note: The repealed section pertained to village council members' conflict of interest and forfeiture of office.

65.7 Village council; audit of accounts; procedure; defenses to action or proceeding.

Sec. 7. (1) The council shall audit and allow all accounts chargeable against the village. An account or claim or contract shall not be received for audit or allowance unless it is accompanied with a certificate of an officer of the village, or an affidavit of the person rendering it, that the services therein charged have been actually performed or the property delivered for the village, that the sums charged therefor are reasonable and just, and that to the best of his or her knowledge and belief, no set-off exists, and no payment has been made on account thereof, except such set-offs or payments as are endorsed or referred to in the account or claim. Each account shall exhibit in detail all the items making up the amount claimed, and the date of each. The council may adopt a different procedure for the audit and allowance of accounts, claims, and contracts than that provided by this subsection.

(2) It shall be a sufficient defense in any court, to an action or proceeding for the collection of any claim against the village for personal injuries or otherwise that it has never been presented, certified to, or verified to the council for allowance as provided in this section or as may be required under different procedures adopted by the council; or, if the claim is founded on contract, that the claim was presented without the certificate or affidavit required by this section and was rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2754;—CL 1915, 2625;—CL 1929, 1534;—CL 1948, 65.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

65.8 Village manager; term; employment contract; powers and duties; ordinance assigning responsibilities to manager.

Sec. 8. (1) The council may employ a village manager.

(2) The manager shall serve at the pleasure of the council.

(3) The council may enter into an employment contract with a village manager for a period extending beyond the terms of the members of council but not exceeding 6 years. An employment contract with a manager shall be in writing and shall specify the compensation to be paid to the manager, any procedure for changing compensation, any fringe benefits, and any other conditions of employment. The contract shall state that the manager serves at the pleasure of the council. The contract may provide for severance pay or other benefits in the event the employment of the manager is terminated at the pleasure of the council. Unless otherwise provided by ordinance adopted under subsection (4), the council may assign to the manager only those powers and duties not required by law to be assigned to or performed by another official of the village.

(4) The council may adopt an ordinance assigning to the manager an administrative duty imposed by this act on the council; an administrative duty imposed by this act on the village president; the authority to appoint, remove, direct, or supervise any employee or appointed official of the village; or supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions imposed by this act on the village clerk and the village treasurer. The council shall provide in the ordinance that the assignment becomes effective 45 days after the date of adoption and that if a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, the ordinance shall not become effective until after the ordinance is approved at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the ordinance is published pursuant to section 4 of chapter VI. The village clerk shall compare the signatures on the petitions to the signatures of those electors as they appear on the appropriate registration cards. If a petition bearing the required number of

valid signatures of electors is filed, the clerk shall perform the acts required for the submission of the question of adoption of the ordinance at the next general or special election. An ordinance adopted before December 2, 1985 that conforms substantially with the requirements of this subsection is valid to the same extent as if the ordinance had been adopted on or after December 2, 1985.

History: Add. 1974, Act 201, Imd. Eff. July 9, 1974;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.